



Water Quality NewsFlash

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Wetlands – EPA and Army Corps of Engineers to amend rules on compensatory mitigation

- U.S. EPA and the U.S. Army Corps of Engineers have proposed revisions to the regulations governing compensatory mitigation for activities authorized by Clean Water Act section 404 permits (dredge & fill). The goal of the revisions is to improve the effectiveness of compensatory mitigation, expand public participation in the decision-making, and increase the efficiency and predictability of the process.

The new regulations implement Public Law 108–136 (Nov. 24, 2003) which required the development of performance standards and criteria for on-site, off-site, and in-lieu fee mitigation and mitigation banking as compensation for lost wetlands functions. The Corps and EPA have expanded the regulations to address not only compensatory mitigation for wetlands but also mitigation for other types of impacted aquatic resources such as water quality in streams. The revisions will not alter the threshold for determining when compensatory mitigation is required and will not increase compensatory mitigation requirements, but rather focus on where and how compensatory mitigation will be provided. The revisions also introduce a watershed approach:

Within a watershed context...it may be environmentally preferable to replace hydrologic and water quality functions at the impact site with a mitigation project that performs these functions, and to replace habitat functions at an off-site location, such as a mitigation bank or a compensatory mitigation project site near a park or nature reserve.

Comments are due May 30. Posted: <http://www.epa.gov/wetlandsmitigation/>

Wetlands and Riparian Areas – SF and North Coast Boards to amend Basin Plans to provide protections

– In what may eventually evolve into a major statewide effort, the North Coast and San Francisco Bay Regional Water Quality Control Boards propose to develop amendments to their Basin Plans to protect stream and wetlands systems, including measures to protect riparian areas and floodplains. The two boards will propose a single policy that is intended to serve as a “model for other Regional Water Boards and for the state in the protection of water quality.”

The stream, wetland, and riparian provisions will be linked to existing relevant permit conditions and provisions in 401 water quality certifications (for section 404 dredge & fill projects), timber harvesting plans, waste discharge requirements (WDRs), WDR waivers, and NPDES MS4 permits (urban runoff). The Policy will also be linked to monitoring efforts (e.g., Surface Water Ambient Monitoring Program), grant programs, and local offset programs for project applicants when on-site avoidance of impacts is impossible. The first workshop (for SF Bay Board) is scheduled for May 1, in Oakland. <http://www.waterboards.ca.gov/sanfranciscobay/streamandwetlands.htm>

Wetlands – Net gains? – The Fish & Wildlife Service reported net gains in total wetland acreage since 1997, but the quality has been questioned: <http://www.msnbc.msn.com/id/12094052/>

WQ NewsFlash is a weekly update of storm water and related news for the Department. *Verify information before taking action on these bulletins.* Contact Betty Sanchez, Betty_Sanchez@dot.ca.gov (916) 653-2115, or Fred Krieger, (510) 843-7889, fkrieger@msn.com with questions or to be added or deleted from e-mail list. Posted online at: <http://www.dot.ca.gov/hq/env/stormwater/publicat/newsflash/index.htm>